

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

13-CA-304894

12-08-2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer El Milagro LLC, El Milagro Tortilla Inc. & El Milagro Corp.		b. Tel. No. (773) 579-6120
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 3120 West 36th Street, Chicago, IL 60632	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	f. Fax No. (773) 523-1009
		g. e-mail clmilagro@el-milagro.com
		h. Number of Workers Employed 500
i. Type of Establishment (factory, mine, wholesaler, etc.) Food production & preparation	j. Identify Principal Product or Service Tortillas, tamales, dough, chips, restaurant	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer engaged in the following conduct to discourage employees from engaging in protected, concerted activities:

- Made implied threats of discharge
- Interfered with employees right to engage in protected concerted activities
- Made statements of futility to employees for engaging in protected concerted activities

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Arise Chicago Worker Center (b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

Arise Chicago  
1700 West Hubbard, Suite 2E  
Chicago, IL 60622

4b. Tel. No.

(773) 769-6000

4c.

(b) (6), (b) (7)(C)

4d. Fax No.

(844) 270-4436

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

Tel. No.

(773) 769-6000

Office, if any, Cell No.

(b) (6), (b) (7)(C)

(signature) (making charge)

(Print type name and title or office, if any)

Fax No.

(844) 270-4436

Address: 1700 West Hubbard, Suite 2E,  
Chicago, IL 60622

Date:

12/8/2022

e-mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

December 9, 2022

(b) (6), (b) (7)(C)

El Milagro Corp.; El Milagro LLC  
3120 West 36th Street  
Chicago, IL 60632

Re: El Milagro, LLC.  
Case 13-CA-304894

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and email address is [Christopher.Lee@nlrb.gov](mailto:Christopher.Lee@nlrb.gov). If the agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended by December 23, 2022. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlrb.gov](http://www.nlrb.gov)). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angie Cowan Hamada", with a long horizontal flourish extending to the right.

Angie Cowan Hamada  
Regional Director

Enclosure: Copy of first amended charge

cc: Justin F. Keith, Attorney  
Greenberg Traurig, LLP  
One International Place Suite 2000  
Boston, MA 02110-2602

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**EL MILAGRO CORP.; EL MILAGRO LLC**

Charged Party

and

**ARISE CHICAGO WORKER CENTER**

Charging Party

**Case 13-CA-304894**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 9, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

El Milagro Corp.; El Milagro LLC  
3120 West 36th Street  
Chicago, IL 60632

Justin F. Keith, Attorney  
Greenberg Traurig, LLP  
One International Place Suite 2000  
Boston, MA 02110-2602

December 9, 2022

Date

Marshan Donegan, Designated Agent of NLRB

Name

/s/ *Marshan Donegan*

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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December 9, 2022

(b) (6), (b) (7)(C)

Arise Chicago Worker Center  
1700 West Hubbard, Suite 2E  
Chicago, IL 60622

Re: El Milagro, LLC.  
Case 13-CA-304894

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Christopher J. Lee whose telephone number is (312)353-9777 and email address is [Christopher.Lee@nlrb.gov](mailto:Christopher.Lee@nlrb.gov). If the agent is not available, you may contact Supervisor Field Examiner Joyce Ann Trejo whose telephone number is (312)353-7609.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Angie Cowan Hamada  
Regional Director

cc: (b) (6), (b) (7)(C)  
1700 W Hubbard Street, 2E  
Chicago, IL 60622